

**UNITED STATES DISTRICT COURT
For The Southern District Of New York**

COUNTER TERRORIST GROUP US,
COUNTErr GROUP, *and* J. K. IDEMA,
Plaintiffs,

v.

NEW YORK MAGAZINE;
NEWYORKMETRO.COM;
NEW YORK MAGAZINE HOLDINGS, LLC,
LAWRENCE C. BURSTEIN,
STACY SULLIVAN;
JOSEPH A. CAFASSO; EDWARD A. ARTIS;
TRACY PAUL WARRINGTON,
TOD ROBBERSON;
Both Individually and Severally,
and DOES 1 through 7, inclusive,
Defendants.

ECF

**Plaintiffs’
Motion To Reconsider**

Case # 07 CIV 9516 (DAB)

Assigned Judge:
Honorable Deborah A. Batts

**MOTION FOR RECONSIDERATION OF DISMISSAL OF CASE
BASED ON A MISUNDERSTANDING WITH THE COURT AS ONLY ONE DEFENDANT
REMAINED UN-SERVED**

NOW COMES, Plaintiffs, pursuant to SDNY Local Rule 6.3, and hereby request that this Honorable Court reconsider its ORDER of March 10, 2008, dismissing the case for failure to prosecute. Plaintiffs apologize to the Court for the confusion created by the initial Motion for Extension of Time to Serve which was unclear as to which Defendants had been served and which had not. Because of this lack of clarity, this Honorable Court incorrectly believed that no defendant in the case had been served with the summons and complaint. Plaintiffs clarify this and advise the Court that ALL defendants were properly served prior to the Court’s Order except one, Joseph A. Cafasso.

1. The time to serve the summons and complaint (within 120 days) expired on midnight February 25th, 2008.¹ Prior to the expiration, Plaintiffs previously requested additional time to serve all defendants because it was unclear who had actually been properly served. Plaintiffs clarify the current status of service on defendants as set forth below.

PROPER & TIMELY SERVICE WAS MADE ON ALL DEFENDANTS EXCEPT ONE

2. Requiring more than a dozen different process servers and private detectives throughout the United States and in foreign countries, plaintiffs obtained successful proper and timely service prior the expiration of the 120 days on:

- 2.1. All New York Magazine Defendants in New York, New York,
 - 2.1.1. New York Magazine (*see* Exhibit A)
 - 2.1.2. NewYorkMetro.com (*see* Exhibit B)
 - 2.1.3. New York Magazine Holdings, LLC (*see* Exhibit C)
- 2.2. Lawrence Burstein in New York, New York, (*see* Exhibit D)
- 2.3. Defendant Stacy Sullivan in New York City, (*see* Exhibit E) (served 2 times)
- 2.4. Defendant Tracy Paul Warrington in Schertz, Texas, (*see* Exhibit F)
- 2.5. Defendant Tod Robberson in Dallas, Texas, (*see* Exhibit G) (served 3 times), and,
- 2.6. Finally, on Edward Artis, at approximately 11pm EST on February 25, 2008 in West Hills, California, Mr. Artis was served by one the top ten private investigators in the country who was hired to located and serve Mr. Artis (Artis had previously falsely claimed he was in the Philippines). (*See* Exhibit H)

3. This shows the extraordinary lengths plaintiffs have taken to serve these defendants. Defendants, with the exception of Warrington, were extremely evasive and obstructive as set forth in the contemporaneously filed amended motion.

4. In regard to the New York Magazine Defendants, and Lawrence Burstein, the General Counsel for New York Magazine accepted service and Defendants outside counsel has already entered into communications with Plaintiffs counsel to set a discovery schedule.

¹ The previously filed motion contained a clerical error as to the correct date.

5. As a matter of background, plaintiffs knew that service would be extremely difficult in this case. Several defendants, such as Stacy Sullivan, Edward Artis, Tracy Paul Warrington, and Joe Cafasso have gone through extraordinary measures to conceal their whereabouts since the events set forth in the complaint. Some use a variety of alias names, misleading company names, forwarded phone numbers, and other methods of concealment.

6. Plaintiffs spent more than \$6,000 dollars in private investigator fees, process server fees, search fees, and legal fees just to locate and serve these defendants.

7. Plaintiffs are also supplementing the facts set forth in the previously filed motion and amending their prayer for relief for extension in a contemporaneously filed Amended Motion to Serve (solely requesting an extension for one defendant).

THE SOLE UN-SERVED DEFENDANT - JOSEPH A. CAFASSO

8. Cafasso has repeatedly used the address of 29 Swarthmore Drive, Carteret, New Jersey, in communications, fake resumes, emails, on business cards, and on legal letters. Although we finally obtained service (Exhibit I) on a resident over 18 years of age at 29 Swarthmore Drive on February 25th, 2008, we now have good reason to believe that Cafasso has at this time vacated that location.

9. Counsel cannot overemphasize the ability of this man to take on different personas, hide, and evade service. Upon information and belief, Joseph A. Cafasso currently uses the alias names of Joe Cafasso, and the fraudulent names of Jay Cafasso, Jay Mosca, Big Joey Mosca, Colonel Gerry Blackwood, Lieutenant Colonel Joseph Cafasso, Special Agent Joe Blackwood, Jake Adams, and many more. With reluctance to burden this Court with over documentation,² just a few exhibits are attached to the contemporaneously filed Amended Motion for an Extension to serve related to Cafasso's multiple identities.

10. Local Civil Rule 6.3 ("Motions for Reconsideration or Reargument") reads as follows:

² For the purpose of keeping this motion brief, quickly filing the motion, and so as not to overburden the Court we have not included affidavits outlining an extensive Cafasso investigation which has been ongoing for more than two years, and would show the Court a history of investigative work which has been both diligent and extensive to track Cafasso's whereabouts and his illegal activities.

A notice of motion for reconsideration or reargument shall be served within ten (10) days after the docketing of the court's determination of the original motion. There shall be served with the notice of motion³ a memorandum setting forth concisely the matters or controlling decisions which counsel believes the court has overlooked. The time periods for the service of answering and reply memoranda, if any, shall be governed by Local Civil Rule 6.1(a) or (b), as in the case of the original motion. No oral argument shall be heard unless the court directs that the matter shall be reargued orally.

S.D.N.Y. & E.D.N.Y. R. 6.3

11. A motion for reconsideration may be granted where "there is a need to correct clear error or manifest injustice." *In re Rambus Inc.*, Docket No. 9303, 2003 FTC LENS 49 (Mar. 26, 2003) (citing *Regency Communications, Inc. v. Cleartel Communications, Inc.*, 212 F. Supp. 2d 1,3 (D.D.C. 2002)).

CONCLUSION


12. The Court's Order (Exhibit J) dismissing the case for failure to serve process upon any Defendant was simply the result of a misunderstanding with the Court relevant to which parties were actually served and which were not. For this, Plaintiffs sincerely apologize. The dismissal of the case, even without prejudice would completely obliterate any chance of justice for the Plaintiffs as re-filing would be beyond the statute of limitations. The service of process in this case has been the most time consuming and costly service of my career in law. Still, all of the Defendants have been served except for Mr. Cafasso. The attorneys for plaintiffs and the plaintiffs both request the time for service for Defendant Joseph A. Cafasso be extended for 120 days to find and serve Mr. Cafasso. Plaintiffs should not be injured by defendants who have been obstructive, evasive, and engaged in wrongful acts to subvert justice.

WHEREFORE, plaintiffs request this Honorable Court reconsider its Order to Dismiss for failure to prosecute, reinstate the case to active status, and enter an order extending the time to find and serve on Joseph Cafasso for an additional 120 days, and such further relief as be just and proper.

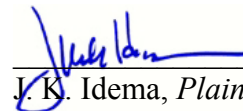
³ Defendants have not yet entered an appearance, so no Notice of Motion has been served.

This 11th day of March 2008,

s/
John Edwards Tiffany,
Attorney (JT7322)
Counsel For Counter Terrorist Group US
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799
Mobile: (973) 454-9633
www.JohnTiffanyLaw.com
Email: Jet@Jet4Law.com



Vijayant Pawar (VP-7642)
Lead Counsel for *Counter Terrorist Group*
US Law Offices of VIJAYANT PAWAR
35 Airport Road, Suite 330
Morristown, New Jersey 07960
Phone: (973) 267-4800
Fax: (973) 215-2882
www.pawarlaw.com
Email: vpawar@pawarlaw.com



J. K. Idema, *Plaintiff*
12 Jonathan Lane
Poughkeepsie, NY 12603

EXHIBIT LIST – PROOFS OF SERVICE

Exhibit A-

New York Magazine served in New York, New York

Exhibit B-

NewYorkMetro.com served in New York, New York

Exhibit C-

New York Magazine Holdings, LLC served in New York, New York

Exhibit D-

Lawrence Burstein served in New York, New York

Exhibit E-

Defendant Stacy Sullivan served in New York City, (served 2 times)

Exhibit F-

Defendant Tracy Paul Warrington served in Schertz Texas,

Exhibit G-

Defendant Tod Robberson served in Dallas, Texas, (served 3 times)

Exhibit H-

Edward Artis, served in West Hills, California

Exhibit I-

Joseph Cafasso, incorrectly served in Carteret, New Jersey

EXHIBIT LIST – COURT'S ORDER

Exhibit J-

March 7, 2008 (filed March 10, 2008) Order of Court Dismissing for Failure to Prosecute.

Exhibit A

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counterr Group, and J. K. Idema,,

V.

SUMMONS IN A CIVIL ACTION

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

CASE NUMBER: 07-CIV- 9516

TO: (Name and address of Defendant)

New York Magazine
~~444 Madison Avenue,~~
~~New York, NY 10022.~~

75 YORK ST
N.Y.C. NY 10038

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

DATE

10/24/07
11/1/2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾

DATE

2/25/08

NAME OF SERVER (PRINT)

BROOKE MURPHY

TITLE

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: 75 VARICK ST NYC NY

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☒ Other (specify): SERVED PERSONALLY TO
JUDITH GOTTSCHE LOWE REP. OF NY MAGAZINE

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

\$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

2/25/08

Date

Signature of Server

Address of Server

PO Box 81
Little Falls NJ

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit B

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counterr Group, and J. K. Idema,,

V.

SUMMONS IN A CIVIL ACTION

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

CASE NUMBER: 07-CIV- 9516

TO: (Name and address of Defendant)

NEWYORKMETRO.COM

~~444 Madison Avenue,~~

~~New York, NY 10022~~

75 VANCK ST
NYC NY 10038

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

DATE

10/24/07
11/1/2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 2/25/08
NAME OF SERVER (PRINT) Brenda Murphy	TITLE

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: 75 VARICK ST NYC, NY

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☒ Other (specify): SERVED PERSONALLY TO:
JOCELYN GOTTSCHALK REV. NEWYORKMETRO.COM

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 2/25/08
Date

Signature of Server

Address of Server

POB 88 Little Falls, NY

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit C

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counterr Group, and J. K. Idema,,

V.

SUMMONS IN A CIVIL ACTION

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

CASE NUMBER: 07-CIV- 9516

TO: (Name and address of Defendant)

NEW YORK MAGAZINE HOLDINGS, LLC

~~444 Madison Avenue,~~

~~New York, NY 10022-7~~

75 VARULST
NYC NY 10038

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

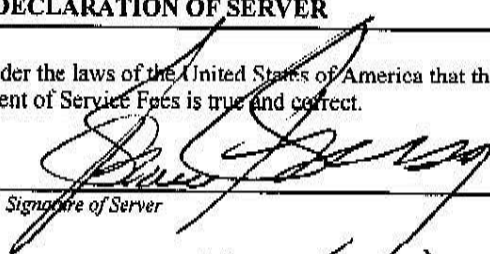
CLERK

(By) DEPUTY CLERK

DATE

16/246-7
11/11/2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>2/25/08</u>	
NAME OF SERVER (PRINT) <u>BROCK MURPHY</u>	TITLE	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): <u>SERVED PERSONALLY TO</u> <u>JACOBIN GORTSCHAULT REP. OF NY MAGAZINE HOLDINGS LLC</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>2/25/08</u> Date</p> <p style="text-align: center;">  Signature of Server </p> <p style="text-align: center;"> <u>POB 88 Little Falls, NJ</u> Address of Server </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit D

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counterr Group, and J. K. Idema,,

V.

SUMMONS IN A CIVIL ACTION

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

CASE NUMBER: 07-CIV- 9516

TO: (Name and address of Defendant)

LAWRENCE C. BURSTEIN
Publisher
c/o New York Magazine Holdings, LLC
444 Madison Avenue,
New York, NY 10022

75 VARICK ST NYC, NY 10038

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

DATE

11/24/07
11/14/2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>2/25/08</u>	
NAME OF SERVER (PRINT) <u>BROOKS MURPHY</u>	TITLE	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): <u>SERVED PERSONALLY TO</u> <u>JOSEPH GOTTSCHE LOWENFELD BURSTEIN</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>2/15/08</u> Date</p> <p style="text-align: right;"><u>[Signature]</u> Signature of Server</p> <p style="text-align: right;"><u>PO Box 88 Little Falls, NJ</u> Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit E

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counter Group, and J. K. Idema,,

V.

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 07-CIV- 9516

TO: (Name and address of Defendant)

STACY SULLIVAN
c/o New York Magazine
444 Madison Avenue
New York, NY 10022.

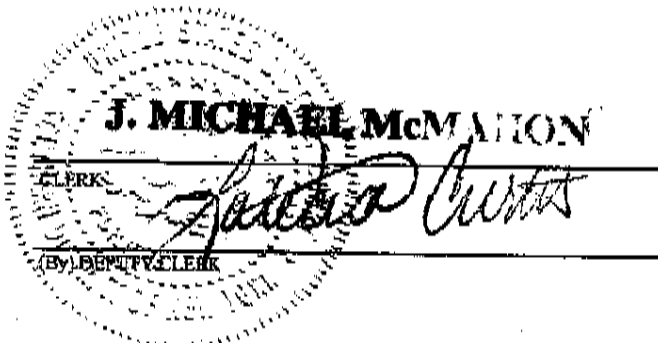
Current Address:

Stacy Sullivan, 212-216-1897; sullivs@hrw.org
Human Rights Watch
350 Fifth Avenue, 34th floor
New York, NY 10118-3299 USA
Tel: 1-(212) 290-4700, Fax: 1-(212) 736-1300

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

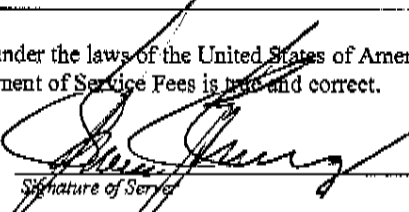
John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



3/24/07
11/1/2007

DATE

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>2/25/08</u>	
NAME OF SERVER (PRINT) <u>BROOKS MURPHY</u>	TITLE	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>350 5th Ave 34th Fl NYC NY</u> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <div style="text-align: right; margin-top: 10px;">Summons and Complaint were served with Requests for Admissions, Production, and Interrogatories attached thereto.</div> <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>2/25/08</u> Date</p> <p style="text-align: center;">  Signature of Server </p> <p style="text-align: center;"> <u>11684 Jones Falls N.Y.</u> Address of Server </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

156115 230x 85.00
United States District Court

County of Southern District of New York

Attorney

Guaranteed Subpoena Servi

Counter Terrorist Group US, ET AL

Petitioner
Plaintiff(s),

Index# 9516/07

-against-

AFFIDAVIT OF SERVICE

New York Magazine, et al

Respondent
Defendant(s).

STATE OF NEW YORK: COUNTY OF KINGS ss:
Neil Schrager

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO

THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 02/25/08 at 3:37pm at 350 5th Avenue, 34th Floor New York, NY 10118
deponent served the within Summons In A Civil Action & Complaint; Admissions; Request
for Production of Documents, Interrogatories
on STACY SULLIVAN C/O HUMAN RIGHTS WATCH ,
therein named.

INDIVIDUAL

by delivering a true copy of each to said defendants personally: deponent knew the person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

A.

CORPORATION/BUSINESS

a (domestic)(foreign)corporation/business by delivering thereat a true copy of each to

B.

Personally, deponent knew said corporation/business so served to be the corporation/business described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

by delivering thereat a true copy(ies) of each to Gil "Doe" a person of suitable age and discretion. Said premises is defendants (actual place of business)(dwelling house)(usual place of abode) within the state. (S)He identified (her)himself as co-worker of defendant.

C. xxx

AFFIXING TO DOOR, ETC.

by affixing a true copy(ies) of each to the door of said premises, which is defendants (actual place of business)(dwelling house)(usual place of abode) within the state. Deponent was unable, with due diligence, to find defendant, a person of suitable age and discretion or a work address thereat, having called there on

D.

MAILING USE WITH

Deponent also mailed a copy(ies) of same post paid by first class mail properly addressed to defendant(s) at the aforementioned address in an envelope marked "personal & confidential" and not indicating that the communication was from an attorney or concerned an action against the defendant(s) and deposited said envelope in a post office official depository under exclusive care and custody of the United States Postal Service within New York State on

C. & D.
xxx

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx)	Height (Approx)	Weight (Approx)
male	black	black	32	5'9	190
mustache	Goatee				

MILITARY SERVICE

Above person was asked whether the defendant(s) was(were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant(s) is(are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

USE IN NYC CIVIL CT.

The language required by NYCRR (e), (f) & (H) was set forth on the face of the said summons(es).

SUPREME COURT ACTION

Papers so served were properly endorsed with the index number and date of filing.

Sworn before me on 02/25/08

SARA R. BAER
Notary Public State of New York
NO. 01BA6145029
Qualified in Kings County
Commission Expires May 1, 2010

TZ

LICENSE NO. 0864972
Neil Schrager

Guaranteed Subpoena Service, Inc.
P.O. BOX 2248, UNION, NJ 07083
Phone: (800) 672-1952 Fax: (908) 688-0885
Tax ID: 22-2393485 Email: Info@Served.com

Your process has been **SUCCESSFULLY SERVED**

GSS#:
Attorney: JOHN E. TIFFANY, ESQ.
Docket/Case#: 07 CIV 9516 Claim/File#:
Plaintiff: COUNTER TERRORIST GROUP US, ET AL
Defendant: NEW YORK MAGAZINE, ET AL
Process: SUMMONS AND COMPLAINT, ADMISSIONS, REQUEST FOR PRODUCTION OF DOCUMENTS, INTERROGATORIES
To Be Served Upon: STACY SULLIVAN
To Be Served At: BUSINESS
Address Provided: HUMAN RIGHTS WATCH 350 FIFTH AVENUE, 34TH FLOOR NEW YORK NY 10022
Due Date: 2/25/2008 Court Date:

SERVED INFO**THIS IS NOT AN AFFIDAVIT!**

Process Server: OUT OF STATE
Served Date/Time: 2/25/2008
Service Type:
Accepted By:
Relationship/Title:
Description: SEX: AGE: HEIGHT: WEIGHT: SKIN: HAIR: OTHER:

Exhibit F

AO 440 (Rev. 9/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counterr Group, and J. K. Idema.,

SUMMONS IN A CIVIL ACTION

V.

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

CASE NUMBER: 07-CIV- 9516

TO: (Name and address of Defendant)

TRACY PAUL WARRINGTON
3609 Blakely Street
Schertz, TX 78154-2668

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

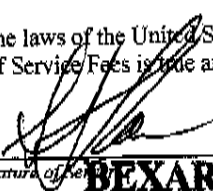
CLERK

(By) DEPUTY CLERK

DATE

10/24/07
11/1/2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>February 23, 2008 8:05 pm</u>	
NAME OF SERVER (PRINT) STEPHEN KOEPKE SCH 0749	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>3609 Blakely St.</u> <u>Schertz, Texas 78154</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL <u>30</u>	SERVICES <u>75</u>	TOTAL <u>\$0.00 105⁰⁰</u>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>February 23, 2008</u> <small>Date</small>	<div style="text-align: right;">  STEPHEN KOEPKE SCH 0749 </div>	
<div style="text-align: center;"> BEXAR PROFESSIONAL CIVIL PROCESS SERVICE INC 2186 JACKSON KELLER SUITE 330 SAN ANTONIO, TEXAS 78213 </div> <small>Address of Server</small>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit G

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counter Group, and J. K. Idema,,

V.

SUMMONS IN A CIVIL ACTION

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

CASE NUMBER: 07-CIV- 9516

TO: (Name and address of Defendant)

TOD ROBERSON
c/o Belo Corp.
PO Box 855237
Dallas, TX 75265-5237

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3798

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

October 24 2007
~~11/1/2007~~

DATE

(By) DEPUTY CLERK

Patricia Custer

SAO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	2-24-08 @ 9:55 am
NAME OF SERVER (PRINT) Kirk French	TITLE	Process Server
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: Tod Robberson at 720 W. Lookout Drive, Richardson, Texas		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$165.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>2-24-08</u> <div style="text-align: center; margin-top: 10px;">Date</div>	<div style="text-align: center;"> Signature of Server </div> <div style="margin-top: 10px;"> Kirk French Supreme Court No. SCH000000484 </div>	
<div style="text-align: center; margin-top: 20px;"> Address of Server Lawyers Civil Process, Inc. 400 S. Houston Street, Suite 105 Dallas, Texas 75202 </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>Subscribed and sworn to before me this <u>25th</u> day of <u>Feb.</u>, 2008.</p> Notary Public </div> <div style="width: 50%; text-align: center;"> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AFFIDAVIT OF SERVICE

State of **NEW YORK**

County of **SOUTHERN**

U S District Court

Index Number: 07-CIV-9576

Date Filed: _____

Plaintiff:

COUNTER TERRORIST GROUP US, COUNTER GROUP, AND J.K. IDEMA

vs.

Defendant:

NEW YORK MAGAZINE; NEW YORKMETRO.COM; NEW YORK MAGAZINE HOLDINGS, LLC, LAWRENCE C. BURNSTEIN, STACY SULLIVAN; JOSEPH A. CAFASSO; EDWARD A. ARTIS; TRACY PAUL WARRINGTON, TOD ROBBERSON; BOTH INDIVIDUALLY AND SEVERALLY AND DOES 1 THROUGH 7 INCLUSIVE

For:

John Tiffany
LAW OFFICES OF JOHN E. TIFFANY, P. C.
The Robert Treat Center
50 Park Place, 10th Floor
Newark, NJ 07102

Received by ABC PROCESS SERVICE on the 25th day of February, 2008 at 2:32 pm to be served on **TOD ROBBERSON C/O BELO CORP., P O BOX 655237, DALLAS, TX 75265-5237.**

I, Ismael Alfaro, being duly sworn, depose and say that on the **25th day of February, 2008 at 3:24 pm, I:**

INDIVIDUAL/PERSONAL: served by delivering a true copy of the SUMMONS IN A CIVIL ACTION; COMPLAINT; PLAINTIFF IDEMA'S FIRST REQUEST FOR ADMISSIONS; PLAINTIFF IDEMA'S FIRST REQUEST FOR PRODUCTION; PLAINTIFF'S FIRST REQUEST FOR INTERROGATORIES to: TOD ROBBERSON at the address of: P O BOX 655237, DALLAS, TX 75265-5237 with the date and hour of service endorsed thereon by me, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

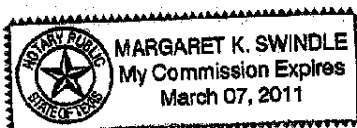
Subscribed and Sworn to before me on the 25th day of February, 2008 by the affiant who is personally known to me.

Margaret K. Swindle
NOTARY PUBLIC

Ismael Alfaro
Ismael Alfaro
Process Server SCH000000119

ABC PROCESS SERVICE
4834 Swiss Ave.
Dallas, TX 75204
(214) 220-0226

Our Job Serial Number: 2008000494
Ref: 07-CIV-9516



ORIGINAL

499 Pw e

25
9:30P
2-26 6:10P
N.A.

SDO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counterr Group, and J. K. Idema,,

SUMMONS IN A CIVIL ACTION

V.

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

CASE NUMBER: 07-CIV- 9516

37-W

2019 Santa Fe Ave
DALLAS TX

TO: (Name and address of Defendant)

TOD ROBERSON
c/o Belo Corp.
PO Box 855237
Dallas, TX 75265-5237

This document was delivered to you on
the ____ day of ____ 20 ____
By: _____

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McNAHON

CLERK

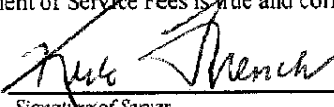


October 24 2007
~~11/11/2007~~

DATE

(By) DEPUTY CLERK

[Signature]

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE 2-25-08 @ 9:30 pm	
NAME OF SERVER (PRINT) Kirk French	TITLE Process Server	
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: Tod Roberson at 7019 Santa Fe Ave., Dallas, Texas		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted: Summons and Complaint were served with Requests for Admissions, Production, and Interrogatories attached thereto.		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES 105.00	TOTAL \$0.00 105.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>2-25-08</u> Date</p> <p style="text-align: right;">  Signature of Server Kirk French Supreme Court No. SCH000000484 </p> <p style="text-align: right;"> Address of Server Lawyers Civil Process, Inc. 400 S. Houston Street, Suite 105 Dallas, Texas 75202 </p> <p>Subscribed and sworn to before me this <u>27</u> day of <u>Feb.</u>, 20<u>08</u>.</p> <p> Notary Public</p> <div style="border: 2px solid black; padding: 5px; width: fit-content; margin-top: 10px;">  <p style="margin: 0;">MELISSA WOOLEY MY COMMISSION EXPIRES December 4, 2008</p> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit H

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Terrorist Group US,
Counterr Group, and J. K. Idema,,

V.

NEW YORK MAGAZINE;
NEWYORKMETRO.COM; et al

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 07-CIV- 9516

TO: (Name and address of Defendant)

EDWARD A. ARTIS



YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

10/24/07
11/1/2007

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾ DATE 2-25-2008

NAME OF SERVER (PRINT) J. Grogan

TITLE 07-CIV-9516 CounterGroup V NYM

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: His residence on Vanowen in West Hills CA.☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

Summons and Complaint were served with Requests for Admissions, Production, and Interrogatories attached thereto.

☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

195.

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

BX 9065 Canoga Pk CA 91309

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit I

COUNTER TERRORIST GROUP US, ET AL

Plaintiff

Superior Court Of New Jersey

vs.

SOUTHERN DIST. OF NY Venue

NEW YORK MAGAZINE, ET AL

Defendant

Docket Number: 07 CIV 9516

Person to be served (Name and Address):JOSEPH A. CAFASSO
29 SWARTHMORE DRIVE
CARTERET NJ 07008**By serving:** JOSEPH A. CAFASSO**AFFIDAVIT OF SERVICE**

(For Use by Private Service)

Attorney: JOHN E. TIFFANY, ESQ.

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Papers Served: SUMMONS AND COMPLAINT, ADMISSIONS, REQUEST FOR PRODUCTION OF DOCUMENTS, INTERROGATORIES**Service Data:** ☒ Served Successfully ☐ Not ServedDate/Time: 02/25/2008 05:29PM☐ Delivered a copy to him/her personally☐ Left a copy with a competent household member over 14 years of age residing therein (indicate name & relationship at right)☒ Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc. (indicate name & official title at right)

Attempts: Date/Time: _____

Date/Time: _____

Date/Time: _____

Name of Person Served and relationship/title:

SADI KHAN - RESIDENT OF HOME - STATES
JOSEPH CAFASSO DOES NOT RESIDE AT
ADDRESS**Description of Person Accepting Service:**SEX: F AGE: 21-35 HEIGHT: 5'4"-5'8" WEIGHT: 100-130 LBS. SKIN: BROWN HAIR: BROWN OTHER: _____**Unserved:**

- ☐
- Defendant is unknown at the address furnished by the attorney
-
- ☐
- All reasonable inquiries suggest defendant moved to an undetermined address
-
- ☐
- No such street in municipality
-
- ☐
- Defendant is evading service
-
- ☐
- No response on:

Date/Time: _____

Date/Time: _____

Date/Time: _____

Other:

SERVED AS PER ATTNY INSTRUCTIONS. STATED HE MAY HAVE A WOMAN COME TO THE DOOR AND SAY HE DOESN'T LIVE THERE.

Served Data:

Subscribed and Sworn to me this

26 day of February, 2008Notary Signature: J.S. Velez

JANIRA SANTIAGO VELEZ

Name of Notary Public Commission Expiration

My Commission Expires April 24, 2012

I, GEORGE GENCARELLI,
was at the time of service a competent adult
not having a direct interest in the litigation.
I declare under penalty of perjury that the
foregoing is true and correct.

Signature of Process Server

2/26/2008

Date

Name of Private Server: GEORGE GENCARELLI Address: 2009 Morris Avenue UNION, NJ 07083 Phone: (908) 687-0056

RR

Exhibit J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
COUNTER TERRORIST GROUP US, ET AL.

Plaintiffs,

-against-

NEW YORK MAGAZINE, ET AL.


Defendants.
-----X

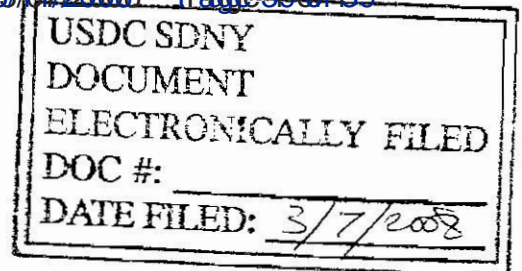
DEBORAH A. BATTS, United States District Judge.

The Complaint in this action was file on October 24, 2007 but Plaintiffs have yet to complete service of process upon any of the Defendants named in this action. Plaintiffs filed an ex parte motion seeking to extend the time to serve the summons and complaint in this case for an additional sixty (60) days (Docket Entry No. 4). Plaintiffs' motion is DENIED. The Court hereby ORDERS that the Complaint in this matter be DISMISSED WITHOUT PREJUDICE for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted"). The Clerk of Court is directed to close the docket for this case.

SO ORDERED.

Dated: New York, New York
March 7, 2008


DEBORAH A. BATTS
United States District Judge



07 Civ. 9516 (DAB)
ORDER